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VOLPE AND KOENIG, P.C.			MEYER, KATY E	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/581,102

Filing Date: May 31, 2006

Appellant(s): WIETH ET AL.

Randolph J. Huis
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 26, 2010 appealing from the Office action mailed January 4, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

1 and 4 – 6.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

4,722,880	GOLDSTEIN ET AL.	9-1988
6,271,755	PRATHER ET AL.	8-2001
6,102,414	SCHWENINGER	8-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein et al. (US 4,772,880) in view of Prather et al. (US 6,054,923).

Goldstein et al. disclose a transport cart with front (20, 22) rollers comprising: an anti-theft protection (24) that can be activated automatically as soon as the transport cart is located outside of a permissible area, the anti-theft protection includes at least one of the front rollers (22) fixable in a predetermined steering position corresponding to a blocking angle, and upon activation, the anti-theft protection automatically moves the rollers into the steering position corresponding to the blocking angle (column 2, lines 5 - 9). It is noted that the pressure exerted on the wheels by the pair of arms (36, 38) urges the wheel toward a predetermined blocking position (see column 3, lines 1 - 15).

Goldstein et al. do not disclose an anti-theft device that acts on a rear wheel as well.

Prather et al. teach an anti-theft device for a cart wherein said device automatically acts on a rear wheel (see 34) and a front wheel (26). Said rear wheel is fixed at a straight angle (column 6, lines 43 - 51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the anti-theft system taught by Goldstein et al. to act on a back wheel as well to prevent a thief from moving the cart by tipping the cart and using only the back wheels.

Goldstein et al. further disclose a force (i.e. the pressure exerted by the arms as noted above) which urges the roller toward an oblique position.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein et al. (US 4,772,880) in view of Prather et al. (US 6,054,923) as applied to claim 1 above, and further in view of Schweninger (US 6,102,414).

Goldstein et al. and Prather et al. meet all the limitations of the claimed invention, but do not disclose a spring-loaded bolt. Schweninger teaches an anti-theft device for a cart wherein a spring-loaded bolt (see 90) latches immediately into a recess (see 88) on a roller as soon as the steering angle corresponds to the blocking angle. Said arrangement is very well known in the art. It would have been obvious to modify the anti-theft device taught by Goldstein et al. to further include a locking bolt to ensure proper positioning of the wheel without damage.

(10) Response to Argument

As for claim 1, Appellant argues that Goldstein et al. do not disclose an anti-theft protection that automatically moves a roller of a transport cart into a steering position

corresponding to a blocking angle as soon as the transport cart is located outside of a permissible area.

However, Goldstein et al. disclose an anti-theft protection that is activated automatically as soon as a transport cart is outside of a permissible area. See column 2, lines 63 – 68: “Upon passing out of the range of the transmitter 12 of FIG. 1, the receiver causes a pair of arms 36 and 38 to be lowered from the assembly 32 into a position in which they interfere with the direct forward and reverse travel of the wheel.” Once lowered, the arms (36 and 38) act on the rollers and urge the rollers to move toward the steering position corresponding to the blocking angle. See column 3, lines 1 – 2: “When first lowered, the arms 36 and 38 may ride upon the tread of the wheel 22.” By riding on the tread of the wheels, the arms automatically move the wheel to the blocking angle steering position.

Appellant also argues that Goldstein et al. do not disclose a roller fixable in predetermined steering positions corresponding to a blocking angle. Appellant argues that the roller disclosed by Goldstein et al. is constrained to a range of movement and cites the following passage as support:

It has been determined that positioning the arms 36 and 38 to require the wheel 22 to turn at least five degrees and not more than thirty degrees from a straight line path, and preferably between five degrees and fifteen degrees, provides the most functional disabling (column 3, lines 10 – 15)

However, the examiner has interpreted the abovementioned passage to disclose a roller which is fixable at a blocking angle which may be between 5 and 30 degrees, not a roller which may move over a range of 5 to 30 degrees once fixed. Regardless, claim 1

recites rollers which are "fixable in predetermined steering positions corresponding to a blocking angle" and does not necessarily require a single discrete blocking angle.

Claim 4 depends from claim 1 and stands or falls with claim 1.

As for claim 5, as noted above, the force of the arms disclosed by Goldstein et al. riding on the tread surface of the rollers at least partially causes the rollers to rotate into an oblique position.

As for claim 6, Goldstein et al. disclose the anti-theft protection as discussed above with respect to claim 1. Schweninger is relied on solely to teach "a spring loaded bolt [which] latches immediately into a recess on the roller as soon as the steering angle corresponds to the blocking angle" as required by claim 6.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/K. M./

Examiner, Art Unit 3618

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